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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,354	07/24/2003	Andrew J. Kurrasch	3591/1327	2329

757 7590 02/06/2006

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 10-16, drawn to a seating structure having an automatic height adjustment, classified in class 297, subclass 344.12.
- II. Claims 17-37, drawn to a seating structure having an automatic tilt adjustment, classified in class 297, subclass 217.2.
- III. Claims 38-66, drawn to a seating structure having an automatic tilt adjustment mechanism and a transducer, classified in class 297, subclass 327.
- IV. Claims 79-96, drawn to a seating structure having an automatic tilt adjustment including a digital display coupled to a microprocessor and an encoded device reader and encoded device writer, classified in class 297, subclass 217.3.

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- V. Claims 97-98, drawn to a seating structure having a motor driven adjustment mechanism with a torsion spring coupled to the motor, classified in class 297, subclass 330.
  
- VI. Claims 115-121, drawn to a seating structure comprising a fuel cell, an electric conduit and an inverter coupled to the fuel cell, classified in class 297, subclass 463.2.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-VI are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions because the independent claims of the identified claim groups are seating structures with various adjustment mechanisms for either adjusting the height of or tilting the seating the structure or a simple adjustment mechanism that is not specified as adjusting any specific structure of the seating structure nor is it specific to whether it is height or tilt adjustment. Then the adjustment mechanisms are further broken down into possessing load sensors, transducers, digital displays, encoded device readers and writers, motors, electrical conduits and inverters, which cause the claims to have different classifications since they are unrelated.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for one Group is not required for another Group, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Gregory H. Zayia (#48,059) on 01/24/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

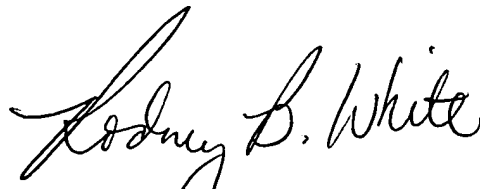
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
February 1, 2006



RODNEY B. WHITE  
PRIMARY EXAMINER